

MERCATOR:

O R,

Commerce Retrieved,

BEING

CONSIDERATIONS on the State of the *British* Trade, &c.

From Thursday, July 1. to Saturday, July 3. 1714.

The Trade from Jamaica to New Spain dishonourable and unfair.

It is contrary to our solemn Treaties.

The Ninth Article of the Treaty of 1670 quoted.

The Jamaica Men cannot lawfully Trade without a License from the King of Spain.

Why do they not produce such a License?

The Fourteenth Article of the same Treaty quoted.

Expresly agreed, that no Reprizals shall be used till Justice is denied or delayed.

Have they demanded Justice of the Spaniards?

They are afraid to do it.

The weak Pretences made to excuse their Conduct.

All these things prove the whole Argument is for Party, not for Trade.

Thus they have acted from the beginning.

THE Mercator having spoken of the Clandestine Trade which is carried on by our People of Jamaica with the Spaniards in America at this time, and many Years before the late War with Spain, and having mentioned it as a dishonourable unfair Pyratrical Trade, contrary to the solemn Treaties between the Nations of England and Spain, it seems necessary to exhibit the Foundation upon which this is advanced, which is to be found in the Treaty of *Madrid*, dated the 18th of July, 1670. Old Style.

The late Collector of Treaties of Peace and Commerce, in a Book newly published, has this Observation, which he makes to serve as an Introduction to the following Treaty with Spain; His Words are these:

‘ Notwithstanding there had never since the Restoration been any War between England and Spain, yet many desperate Pyrates CON- NIVED at (*mark those Words*) by the Governours of the English Dominions in America, were continually Robbing, Plundering and Destroying the Spaniards in those Parts with the utmost Savage Inhumanity, pretending, that the Peace with Spain did not extend to the West-Indies; a Notion so frivolous, that it is not worthy otherwise to be taken Notice of, than with Indignation. But what cannot the vilest Miscreants alledge to justify the blackest of Villanies? However, these Practices brought on the Treaty between

‘ England and Spain, &c. for settling Peace in America: Thus far this Author, much to the Credit of our Jamaica Gentlemen. In the Treaty are Two Articles to our present purpose.

1. That by this Treaty a former Treaty, wherein the same is Stated and Agreed, being made in *May 1667*, is confirmed.

2. The Ninth Article expressly stipulates thus; *The Subjects on each side shall forbear Trading or Sailing to any Places whatsoever under the Dominion of the other (i. e. in America) without License.*

Now if the Jamaica Men, who Complain of the Spaniards taking their Sloop by a Stratagem, can produce a License from the King of Spain for that Trade, or for that Vessel to Trade as she did then, Her Majesty may lawfully reclaim the Ship and Goods from the Spaniards, and, upon refusal, may grant Her Subjects of Jamaica Reprizals upon the Spaniards; but if no such License has been obtained, then the Jamaica Men are a Crew of Peace-breakers, Thieves and Pyratrical Traders (for there are Pyracies in Trade) and deserve the Gallows rather than to have Reprizals against the Spaniards; and, in a word, Britain is engaged in Honour, to put a stop to such an unfair dishonourable Practice for the future.

But



But besides all that has been said in this
 from Reason, and the Nature of the Trade;
 the *Mercator* desires all Men to observe the pro-
 found Ignorance, as well as harden'd Assurance
 of these People, who publish such things to the
 World; In which Observation they shall be as-
 sisted, if they please, to compare the Jamaica
 Letter, if it be not a Forgery quoted from the
Flying-Post, as aforesaid, with the Treaty of
 Peace for America between England and the
 King of Spain, quoted also above.

The Letter has these Words; *Thus you see
 what a low Ebb we are like to be brought to, if Her
 Majesty is not pleased speedily to grant us Reprizals,*
 or allow us to use Reprizals, for it is
 all one.

Now against this ridiculous as well as knavish
 Request, the Reader is desired to place the
 Fourteenth Article of the aforesaid Treaty, as
 follows; 'Particular Offences against this
 Treaty shall be repaired in the ordinary way
 of Justice, and NO REPRIZALS made, un-
 less that Justice be denied or unreasonably
 retarded.'

If then these People of Jamaica have received
 any Injustice, let them seek Redress in the or-
 dinary way of Justice; this they ought to do,
 and to do it first; and, by the express Letter
 of the Treaty, the Offence, if any is, pro-
 mised to be repaired; but NO REPRIZALS
shall be made, that is expressly Agreed and Con-
 ditioned on both Sides, unless Reparation in
 the ordinary way of Justice be denied, or un-
 reasonably delayed. Now let these Complai-
 ners tell us, whether they have sought Re-
 paration in the ordinary way of Justice, and if
 not, with what Face can they ask the Queen to
 grant them Reprizals? This shews these Peo-
 ple, 1. Grossly Ignorant. 2. Eminently Tu-
 multuous, that desire the Liberty of falling
 upon the Spaniards, a Nation at Peace with
 us, and giving us no Offence; and all this for
 the Spaniards doing themselves Justice against
 Thieves and Peace-breakers.

And this Confirms all that the *Mercator* has
 said, of these Men talking for a Party without
 respect to Truth or Fact, or the Reason and Ju-
 stice of what they had; for had they Consulted
 either of these, they would not have published
 a thing so palpably inconsistent with Justice
 and Reason as this, of using Reprizals upon
 the Spaniards for taking a Jamaica private Tra-
 der, who is one that the Spaniards ought not
 to let escape, and we ought not to suffer
 to go.

There is but one Pretence that we have any
 where met with for this Jamaica Trade, (*viz.*)
 That the Princes who make Treaties are indeed
 bound by them, and ought not to break them,

but the People are not equally obliged. This
 is a piece of Machiavilian quibble, but is an-
 swered thus, That as the Prince stipulates in
 behalf of his Subjects, so he is answerable for
 his Subjects in the Performance, and ought to
 be in a Condition to oblige his Subjects to keep
 and observe, in the strictest manner, such Trea-
 ties as they make.

How far Peace-breakers may be Punished
 by our Laws, might be farther enquired into,
 but that in this Case, the Punishment lies ra-
 ther upon the Spaniards to inflict, than upon
 us, because the Offence is not capable of Proof
 till it be Committed, and therefore the Spa-
 niards may take them and Punish them as they
 please, and the British Nation will, and ought
 to acquiesce in such Punishment.

To conclude; It is apparent these ground-
 less Clamours are published only to amuse the
 People, to keep them uneasie, furnish them
 with something, whether just or not, to be
 ever Complaining, and to make them believe
 they have some Hardship, where indeed they
 are the Aggressors, and the Spaniards have the
 Injury.

This is what the *Mercator* laid to their
 Charge from the beginning, and this has been
 their Practice all along, not regarding the
 real Advantage or Good of their Country, but
 the carrying on a Party-Cause against the
 Publick; And it having been for their Interest
 of that Party-Cause to fall upon every Step
 which the Ministry have taken, whether Good
 or Evil, this has been one of the Disasters of
 it, (*viz.*) That Trade has fallen to be one of
 their Points; in which they have acted as di-
 rectly contrary to the true Interest of their
 Country as ever Men did, that had a design
 to Ruine and Destroy it; and let this of the
 Jamaica Trade stand as a precedent to judge of
 all the rest by.

We have since this, frequent Attempts made
 to insinuate, that at the same time that our
 Ships are stopp'd thus in Jamaica, as aforesaid,
 the Spaniards connive at the French Ships going
 openly to the Spanish Colonies in America to
 Trade with them: This also shall be examined
 by the *Mercator*.

Errata in the last Mercator.

Col. 1. Line last but four, dele *to* at the end.
 Col. 3. l. 48. dele by. line 52. r. *that was then,*
and the Emperor. Col. 4. lin. 23, 24. r. *same*
Reasons in general; (viz.) l. 33. r. Possession;
and.



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